

41-1a-1008.5. Private cause of action.

(1) Any owner who is not a manufacturer, dealer, motor vehicle auction, or consignor to a motor vehicle auction not licensed under Section 41-3-201 and who violates Section 41-1a-1005.3 is liable to the purchaser for:

- (a) actual damages if the purchaser elects to retain the salvage vehicle, or the value of the consideration paid for the salvage vehicle if the purchaser elects rescission;
- (b) the costs of the action and reasonable attorney fees;
- (c) up to three times the value of the actual damages or the consideration as exemplary damages; and
- (d) other equitable relief, including rescission and restitution, the court determines to be proper in addition to damages and costs.

(2) Actual damages include:

- (a) the difference between the actual market value of the salvage vehicle or nonconforming vehicle at the time of purchase and the contract price;
- (b) towing;
- (c) repair;
- (d) storage expenses;
- (e) rental of substitute transportation;
- (f) food and lodging expenses;
- (g) lost wages;
- (h) finance charges;
- (i) sales or use tax;
- (j) other governmental fees;
- (k) lease charges; and
- (l) other incidental and consequential damages.

(3) The remedies provided in this section are not exclusive but are in addition to any other remedies provided by law.

Enacted by Chapter 463, 2013 General Session